R E M A R K S

In response to the requirement for restriction, applicants hereby elect Invention I (claims 1 - 8 and 26 - 33, toner and toner supply container) as the invention to be examined. This election is made without traverse, but without prejudice to the presentation of claims to nonelected inventions in one or more divisional applications.

The specification and claims have been amended to correct an error with respect to the disclosure and recitals of "average circularity."

The original disclosure and claims state that the toner of the invention comprises "toner particles . . . having an average circularity of 0.93 to 0.97." In fact, however, 0.93 to 0.97 is the average circularity of the residue of the toner on a 500-mesh sieve when the toner is sieved with the sieve, not the average circularity of the toner particles of which the toner of the invention is comprised.

The specification and claims have accordingly been revised by this Amendment to set forth that the residue of the toner on a 500-mesh sieve has an average circularity of 0.93 to 0.97, and to delete all statements and recitals that the toner of the invention comprises "toner particles . . . having an average circularity of 0.93 to 0.97."

As the specification states, at p. 21, lines 1-13,

> "In the case . . . where (V • T)/M > 200, the circularity of the toner particles thereof is non-uniform, and when the toner is sieved using a 500-mesh sieve, there is found a great difference in level between the

> circularity of the residual toner which remains on the meshes of the sieve and the circularity of the toner which passes through the meshes of the sieve, with the residual toner which remains on the meshes of the sieve having much higher circularity than that of the toner which passes through the meshes of the sieve."

The above-noted error, mistakenly ascribing an average circularity of 0.93 to 0.97 to the particles of the toner of the invention rather than to the residue of the toner on a 500-mesh sieve, is found not only in applicants' original U.S. application No. 09/384,797, of which the present application is a third continuation, but also in various places in applicants' Japanese priority application No. 10-256090. However, in the Japanese priority application, the caption of the "average circularity" column in Table 1 (corresponding to Table 1 at pp. 82-83 of the present application) correctly reads "circularity of residue on 500-mesh sieve" (emphasis added), and claim 1 correctly recites that "when the toner is sieved with a 500-mesh screen, a residue on the screen has a circularity of from 0.93 to 0.97."

The Japanese priority application No. 10-256090 is expressly incorporated by reference in the present application, at p. 86, last two lines. A certified copy of this Japanese application has been filed in applicants' original parent U.S. application No. 09/384,797, and the claim of priority in the present continuation application so states. A Facsimile copy of a certified partial translation of claim 1 and Table 1 of Japanese priority application No. 10-256090 is attached to this Amendment. It will be noted that data for certain Examples in Table 1 of the Japanese priority application differ from data given for correspondingly numbered Examples in Table 1 in the present application, and in fact the formulae of toners of Examples (and Comparative Examples) differ from those of Examples (and Comparative Examples) in the present application, but this is immaterial to the clear disclosure that the average circularity of 0.93 to 0.97 is that of the residue on a 500-mesh sieve.

Applicants respectfully submit that the incorporation of the Japanese priority application by reference in the present application, and the unambiguous exemplification and recital in the Japanese priority application of average circularity of residue on a 500-mesh sieve of 0.93 to 0.97 provides full and proper support for the corrections herein made.

Entry of this Amendment is therefore courteously requested.

Respectfully,

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I hereby certify that this paper is being deposited this date with the U.S. Postal Service as first class mail addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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